

TOWN CHARTER

ADOPTED BY THE VOTERS ON NOVEMBER 8, 2005

AMENDED BY THE VOTERS ON SEPTEMBER 18, 2008

AMENDED BY THE VOTERS ON JUNE 25, 2009

***Historical Notes –**

On March 5, 2005, pursuant to Resolution No. R-280-05, the Board of County Commissioners of Miami-Dade County appointed the Cutler Ridge Charter Commission to draft the municipal Charter for the newly incorporated Town of Cutler Bay. Edward P. MacDougall (Chairperson), Alfonsina Sergio (Vice Chairperson), Delleperche Joseph (Secretary), Sandra K. Reyes-Nanni, and Eduardo Wolmers served as the members of the Charter Commission. The Charter Commission was represented by Edward P. Ludovici, Esq. as legal Counsel during the drafting of this charter. The Charter Commission delivered a municipal charter to the Mayor and Board of County Commissioners of Miami-Dade County on September 5, 2005. The Town Charter was adopted by the electors of the Town of Cutler Bay on November 8, 2005.

On December 19, 2007, pursuant to Section 6.2 of the Town Charter, the Town Council of the Town of Cutler Bay appointed a Charter Revision Commission to draft such amendments to the Town Charter as it deemed appropriate and to submit such proposed amendments to the Town Council. Vice Mayor Edward P. MacDougall (Non-voting Member), Ernesto Martinez

(Chairperon), Barbara Condon (Vice Chairperson), Bill Meiklejohn, Dennis Peterson, Timothy Sander served as the members of the Charter Revision Commission. Town Clerk Erika Gonzalez-Santamaria, CMC and Town Attorneys Mitchell Bierman and Chad Friedman and Town Manager Steven Alexander provided staff support to the Charter Revision Commission. The Charter Revision Commission delivered its recommendations for amendments to the Town Charter to the Mayor and Town Council of the Town of Cutler Bay on July 16, 2007⁸. Fifteen of the nineteen proposed charter amendments were adopted by the electors of the Town of Cutler Bay on September 18, 2008.

On June 25, 2009, at the request of the Miami-Dade County Supervisor of Election, two charter amendments were proposed to the Cutler Bay electors and both amendments were adopted.

(8) Right to Public Hearing. Upon a timely written request from any interested party, and after presentation of the facts to and approval by the council, a public hearing shall be held by any town agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the law department of the town nor to any person whose duties and responsibilities are solely advisory. At any zoning or other hearing in which review is exclusively by certiorari, a party or his/her counsel shall be entitled to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. The decision of such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

(9) Notice of Action and Reasons. Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any town administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

(10) Managers' and Attorneys' Reports. The town manager and town attorney shall periodically make a public status report on all major matters pending or concluded within their respective areas of concern.

(11) Budgeting. In addition to any budget required by state statute, the town manager shall prepare a budget showing the cost of each department for each budget year. Prior to the town council's first public hearing on the proposed budget required by state law, the town manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefore, the estimated millage cost of each department and the amount of any contingency and carryover funds for each department.

(12) Quarterly Budget Comparisons. The town manager shall make public quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

(13) Representation of Public. The mayor shall endeavor to designate one or more individuals to represent the town at all proceedings before county, state and federal regulatory bodies, significantly affecting the town and its residents.

(14) Misuse of Authority. No elected or appointed town official shall intentionally misuse his or her position to threaten, harass or otherwise attempt to intimidate any other person including but not limited to any citizen, employee or colleague. Nothing herein shall be construed to in any way restrict or restrain rigorous discussion or debate of issues that come before the council or are of importance in the town. Rather, this section is intended to insure that the town's environment is one in which all citizens, employees and council members may express opinions on public issues or express support for candidates for public office without fear of reprisals (except as otherwise provided in this Charter).

(15) Civility in the conduct of public business. Town Council members and Town manager shall respect the rights of all citizens in our community to hold different opinions, shall avoid rhetoric intended to humiliate or question the wisdom of those whose opinions that are different from ours and shall speak truthfully without accusation and avoid distortion.

(B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the town. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the town. The orderly, efficient and fair operation of government requires the participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C) All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Bill of Rights shall be declared invalid, it shall not affect the validity of the remaining provisions.

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

Section 1.1 Corporate Existence.

A municipal corporation resulting from the election authorized by Resolution R-1318-04 adopted on November 30, 2004 by the Miami-Dade County Board of County Commissioners, which permitted the continuing process of incorporation of the area described in Section 1.3 below, originally known as Cutler Ridge and which shall hereafter be known by the name selected for the town pursuant to the process set forth in Section 8.9 herein below (the "town") is hereafter known as the Town of Cutler Bay (the "town") hereby created pursuant to the Constitution of the State of Florida (the "state") and the Home Rule Charter of Miami-Dade County (the "county"). The corporate existence of the town shall commence November 9, 2005 ~~or such other date as this charter is approved by election.~~

Section 1.2 Form of Government.

The town shall have a "council-manager" form of government.

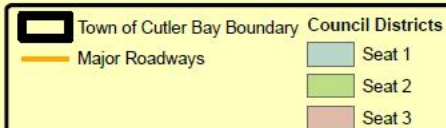
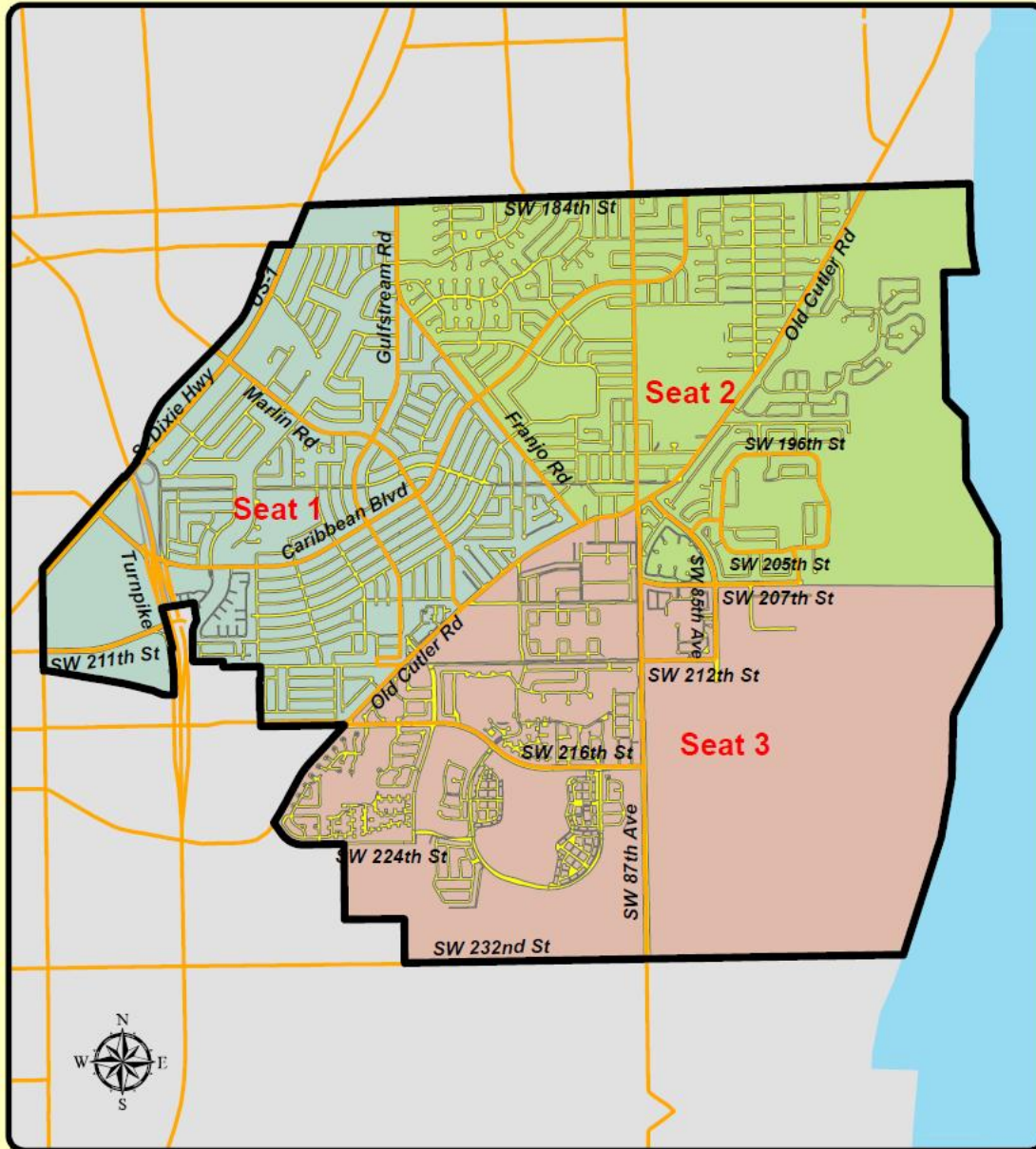
Section 1.3 Corporate Boundary.

The corporate boundaries of the town are generally described as follows bounded on the North by S.W. 184th Street (the South boundary of the Village of Palmetto Bay), bounded on the South by S.W. 232 Street, bounded on the East by Biscayne National Park and bounded on the West by the South Miami-Dade Transit Corridor (Bus Way) and SW 112 Avenue (Allapattah Road), as shown on

the map on page 5. The legal description for the town is on Appendix “A” attached hereto. In case of a conflict between the legal description and the map, the legal description shall govern.

MAP OF TOWN

Town of Cutler Bay Council Districts



Source: Miami-Dade County,
The Corradino Group

